

Notice of Allowability

Application No.

10/694,777

Examiner

William H. Wood

Applicant(s)

KAWANO ET AL.

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 17 December 2008.
2. ☒ The allowed claim(s) is/are 1-2,6-9,11-14 and 16 (renumbered: 1-11).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 1/29/08
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


WILLIAM WOOD
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Wrkich on 321 January 2008.

The application has been amended as follows:

Claim 1

Insert the following at line 10, before the “;”:

“,wherein said installed software includes a first program and a second program, and said update confirmation schedule includes a first time for indicating when to make an inquiry on the presence of updates for the first program and a second time for indicating when to make an inquiry on the presence of updates for the second program, the first time being different than the second time”

Claim 7

Insert at line 8, before the “;” the following:

“,wherein said installed software includes a first program and a second program, and said update confirmation schedule includes a first time for

indicating when to make an inquiry on the presence of updates for the first program and a second time for indicating when to make an inquiry on the presence of updates for the second program, the first time being different than the second time”

Claim 8

Insert at line 8, before the “;” the following:

“,wherein said installed software includes a first program and a second program, and said update confirmation schedule includes a first time for indicating when to make an inquiry on the presence of updates for the first program and a second time for indicating when to make an inquiry on the presence of updates for the second program, the first time being different than the second time”

Claim 9

Insert at line 9, before the “;” the following:

“,wherein said installed software includes a first program and a second program, and said update confirmation schedule includes a first time for indicating when to make an inquiry on the presence of updates for the first program and a second time for indicating when to make an inquiry on the presence of updates for the second program, the first time being different than the second time”

Claim 11

Insert at line 12, before the “;” the following:

“,wherein said installed software includes a first program and a second program, and said update confirmation schedule includes a first time for indicating when to make an inquiry on the presence of updates for the first program and a second time for indicating when to make an inquiry on the presence of updates for the second program, the first time being different than the second time”

Claim 12

Insert at line 10, before the “;” the following:

“,wherein said installed software includes a first program and a second program, and said update confirmation schedule includes a first time for indicating when to make an inquiry on the presence of updates for the first program and a second time for indicating when to make an inquiry on the presence of updates for the second program, the first time being different than the second time”

Claim 13

Insert at line 8, before the “;” the following:

“,wherein said installed software includes a first program and a second program, and said update confirmation schedule includes a first time for indicating when to make an inquiry on the presence of updates for the first program and a second time for indicating when to make an inquiry on the presence of updates for the second program, the first time being different than the second time”

Claim 14

Insert at line 12, before the “;” the following:

“,wherein said installed software includes a first program and a second program, and said update confirmation schedule includes a first time for indicating when to make an inquiry on the presence of updates for the first program and a second time for indicating when to make an inquiry on the presence of updates for the second program, the first time being different than the second time”

Claim 15

Delete claim 15.

Reasons for Allowance

Claims 1-2, 6-9, 11-14 and 16 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or suggest the claimed invention. Specifically, the prior art of record fails to teach or suggest: *wherein said installed software includes a first program and a second program, and said update confirmation schedule includes a first time for indicating when to make an inquiry on the presence of updates for the first program and a second time for indicating when to make an inquiry on the presence of updates for the second program, the first time being different than the second time as part of a device/apparatus including storing a schedule, detecting, inquiring and executing a process, as recited in independent claims 1, 7, 8, 9, 11, 12, 13 and 14.*

The prior art of record, **Gronemeyer** (USPN 6,363,359), disclosed various inquiries of updates. However, the cited reference failed to disclose the independent claims as recited.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control
Number: 10/694,777
Art Unit: 2193

Page 7

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)-272-3756. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



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